

04C-78-0367/2

20 JAN 1978

MEMORANDUM FOR:

[REDACTED]

STAT

Assistant for Information, DDA

FROM

:

[REDACTED]

STAT

Acting Director of Personnel

SUBJECT

:

Proposed Revision of Section 108(m) of Title I,
Draft of Charter Legislation

REFERENCE

:

Multi adse memo fr AD-M/NFAC dtd 16 Jan 78,
subj: Charter Legislation, Title I

1. Reference requested the Office of Personnel to provide language to clarify the termination authority of the DCI as cited in Section 108(m) (not (n) as cited in reference) of the draft charter legislation, Title I. Attached are two proposed revisions. The first is essentially the same as the current Section 403c of Title 50 U.S.C.A. (102(c) of the National Security Act of 1947); the second modifies the provisions of the SSCI draft to include the additional authority needed and attempts to limit the reporting to Congress.

2. Also attached are notes on the revisions providing rationale for the proposals.

[REDACTED]

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Atts.

As Stated

MORI/CDF pp.
1-5

A. Proposed Revision of Section 108(m), Title 1

Notwithstanding any other provision of law, the Director may terminate the employment of any officer or employee of the Central Intelligence Agency or the Office of the Director whenever the Director considers such termination necessary or advisable in the interests of the United States. The termination of the employment of any officer or employee under authority of this paragraph shall not affect the right of such officer or employee to seek or accept employment elsewhere in the Government.

B. Alternative Proposal

Notwithstanding any other provision of law, the Director may terminate the employment of any officer or employee of the Central Intelligence Agency or the Office of the Director whenever the Director considers such termination necessary or advisable in the interests of the national security of the United States or the efficiency of the Agency or the Office of the Director. The Director shall report to the PSCI of the House of Representatives and the SCJ of the Senate, in a timely manner, on any exercise of the Director's authority under this paragraph when invoked in connection with a major reorganization of the Agency or the Office of the Director. The termination of the employment of any officer or employee under authority of this paragraph shall not affect the right of such officer or employee to seek or accept employment elsewhere in the Government.

NOTES ON THE PROPOSED REVISION

1. In drafting these proposed revisions, we have assumed the phrase "Office of the Director" includes the personnel of the various staffs and offices of the ADNIs, such as NFAC, NITC. The proposed legislation, including current Title IV, does not make it clear that the staffs and offices of the ADNIs are also in the CIA, although there is no administrative legislation covering these personnel.

2. Executive Order 9830 gives to the heads of agencies the authority to remove, demote or reassign employees "in the competitive service whose conduct or capacity is such that his removal, demotion or reassignment will promote the efficiency of the Service". While CIA is not in the competitive service, the Director has comparable authority under current CIA statutes. He must have this same authority under any new legislation as an integral part of the responsibility for the personnel management of the Agency. To limit the termination authority to matters of national security would be so restrictive as to negate any possibility of separation for other reasons, such as cause, surplus, et al. Current procedures for termination for such reasons, e.g., to promote the efficiency of the Service, are described in the regulations of the Agency and provide for all normal hearing and appeal processes.

The first proposed revision of Section 108(m) is essentially the same wording as the current authority in Section 403c of Title 50 U.S.C.A. The second version would incorporate a modification of the proposed SCI wording with the addition of the authority in Executive Order 9830.

3. The SCI draft of the paragraph to require "timely" reporting of each termination to the Congress seems unnecessarily cumbersome, though it is undoubtedly a deliberate effort to have the Congress informed of the details of all terminations. This is not a requirement for other government agencies insofar as we can determine. As an alternative, if we have to give on some of these items, we propose the wording of the B version of the draft which would require a report only in cases of separation because of major reorganization situations. It is not intended to be a report of individual cases; but only of the management situation which results from reorganization.

4. We also recommend elimination of the requirement for a declaration of eligibility by the CSR for subsequent employment of a terminated employee by another government agency. This same provision is in the current Section 403c authority and may have been carried over from that version. Not all government offices or commissions require CSR certification, and we believe it can be safely assumed that a terminated employee will not be hired in another government agency unless eligible for such employment under whatever rules are applicable there.

NFAC-172-18

16 January 1978

MEMORANDUM FOR: Acting Deputy Director of Central Intelligence
Deputy Director for Administration ✓
Deputy Director for Science & Technology
Deputy Director for Operations
Director, National Foreign Assessment Center
Office of General Counsel
Office of Legislative Counsel
Office of the Inspector General
Office of the Comptroller

FROM



STAT

Associate Director-Management
National Foreign Assessment Center

SUBJECT : Charter Legislation - Title I

On 13 January we handed out to you a report on the discussions held on 11 January with Elliot Maxwell and other staffers from the Senate and House Select Committees. The purpose of this memorandum is to remind you of some commitments that were made on the part of CIA officers participating in those discussions. You should, therefore, be sure to address the following when you make your comments on the new draft of Title I which we will be disseminating later today. These commitments were:

		<u>Action</u>
Page 3, Section 103 (1)	Argument for using the term "national security" rather than "national defense".	NFAC
Page 10, Section 105 Page 14, Section 108 (b)	The argument against regarding counterterrorism as an intelligence activity.	DDO
Page 14, Section 108 (c)	Alternate language to eliminate objections to the terminology (line 3) "to ensure".	OCC/OLC

Action

Page 20, Section 108 (n)

Language to clarify the termination authority of the DCI.

DDA *Personnel*

Page 27, Section 113 (a) (1)

Argument to explain CIA objection to the language regarding appropriations.

DDA *Finance*

Page 27, Section 113 (a) (3)

Clarifying language regarding DCI's reprogramming authority.

DDA *Finance*

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78-0367/4

DD/S&T# 386-78

24 January 1978

ASCC

MEMORANDUM FOR: Hal Clark
Special Assistant, DDS&T

SUBJECT: Senate Version, Title I [REDACTED]

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Hal:

1. [REDACTED] FBIS has reviewed pages 36-38 and offers these comments.

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2. [REDACTED] Page 37, Subsection (c): According to OGC, this graf excludes FBIS from the restrictions of Sec 116 (a) (1-5). We have just concluded a long and painstaking policy review of contacts with the clergy and media and would prefer stronger, less ambiguous wording, along these lines.

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"(c) Nothing in this section is designed to inhibit open and voluntary relationships including compensation for services, between persons referred to in subsection (a) and entities of the Intelligence Community as for example unclassified contracts to perform translating services."

3. [REDACTED] As we read it, Graf (a) (5), page 37 would require DDO to advise FBIS of all DDO/CA initiated material in foreign media which may otherwise find its way to the Intelligence Community as genuine foreign news or opinion through normal FBIS procurement, monitoring and dissemination. DDO has so far steadfastly refused to provide such information to FBIS on a regular basis.

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FOR THE DIRECTOR, FBIS:

[REDACTED]

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Chief, Executive and Planning Staff
FBIS

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